

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *g* D.C.  
05 OCT 14 PM 4:07

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF N. ARKANSAS

JERRY BRACK,

Plaintiff,

v.

SHONEY'S, INC. d/b/a,  
CAPTAIN D'S #3126


**Defendant.**

Docket No: 01-2997 D/V

**STIPULATION AND ORDER VACATING JUDGMENT,  
VACATING ORDER AWARDING ATTORNEYS' FEES, AND  
DISMISSING PLAINTIFF'S FIRST AMENDED COMPLAINT WITH PREJUDICE**

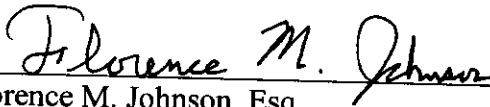
The parties hereto having resolved this matter and agreed that the Court should enter an order and judgment vacating the Court's November 25, 2003 Judgment, vacating the Court's July 29, 2004 Order Granting in Part and Denying in Part Plaintiff's Motion for Award of Attorneys' Fees, and dismissing this action with prejudice, it is **HEREBY ORDERED, ADJUDGED AND DECREED** that the Court's November 25, 2003 Judgment is vacated, the Court's July 29, 2004 Order Granting in Part and Denying in Part Plaintiff's Motion for Award of Attorneys' Fees is vacated, and this matter is hereby dismissed with prejudice, with each party to bear its own attorneys' fees and costs.

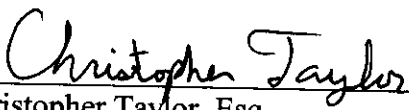
SO ORDERED this 14<sup>th</sup> day of September, 2005.

  
BERNICE B. DONALD  
UNITED STATES DISTRICT COURT JUDGE


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Honorable Bernice Donald  
US DISTRICT COURT